IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1461/2007
(Gordhan Vs. State of Rajasthan)

Date of Order : 21/09/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Narendra Goyal for the petitioner.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 11.4.2007 passed by Additional Chief Judicial Magistrate, Merta, district Nagaur (for short 'the trial court' hereinafter) dismissing the complaint filed by the petitioner for the offences under Sections 167, 177, 181, 182, 192, 193, 195, 197 and 198 IPC.

I have heard learned counsel for the parties. Perused the order impugned.

It appears that on a report lodged by Kumari Kali on 29.9.2004 at Police Station-Makrana, the petitioner was prosecuted for the offences under Section 376 IPC and Section 3 (1) (x) (i) of the SC/ST (Prevention of Atrocities) Act, 1989 (for

short 'the Act' hereinafter). Vide judgment and order dated 22.8.2005, learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Merta acquitted the petitioner by extending the benefit of doubt.

I have gone through the statement of the prosecutrix PW-1 recorded in the said Sessions case. She has specifically levelled allegation of rape against the present petitioner, but since the Special Judge, SC/ST (Prevention of Atrocities) Cases found that she was consenting party, acquitted the petitioner and thereafter the petitioner filed a complaint for the offences noticed above. The trial court noticed that such a complaint is barred by provision of Section 195 Cr.P.C. and dismissed the complaint.

In my view, the complaint as such is wholly misconceived and the trial court was otherwise justified in dismissing the complaint. It cannot be said that the dismissal of such complaint would result in serious miscarriage of justice or abuse of the process of any Court. In this view of the matter, I do not find any good ground to interfere in the order impugned in exercise of the inherent powers under Section 482 Cr.P.C. The criminal misc. petition is therefore, dismissed.

(H.R.PANWAR),J.

Rp